

Message Text

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ACTION EUR-12

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FM AMEMBASSY LISBON

TO SECSTATE WASHDC 3559

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MADRID

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AMEMBASSY PARIS

AMEMBASSY STOCKHOLM

USMISSION NATO

DIA WASHDC

USCINCEUR VAIHINGEN GER

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TAGS: PFOR, PINT, PORG, PO

SUBJ: HUMAN RIGHTS REPORT ON PORTUGAL FOR SUBMISSION TO CONGRESS

REF: A. STATE 167402 (NOTAL); B. LISBON A-37; C. LISBON A-133;

D. LISBON A-175

1. FOLLOWING ARE RESPONSES TO PARA TWO OF REF A:

BEGIN UNCLASSIFIED

A. INTERNMENT, IMPRISONMENT, AND TORTURE: (SEE REFS B AND C).

--DESPITE CONTINUING POLITICAL TURMOIL AND CALLS FOR "POPULAR JUSTICE" BY ELEMENTS ON REVOLUTIONARY FAR LEFT, GOP AUTHORITIES HAVE RESISTED TEMPTATION TO FIND DEMAGOGIC SOLUTIONS TO PROBLEMS BY MEANS OF MASS ARRESTS OR KANGAROO TRIALS. IN THOSE RECENT

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INSTANCES WHEN ARRESTS HAVE BEEN MADE (MRPP-MAY 28, AZORES- JUNE

9, ELP-MAY 18), NUMBERS OF PERSONS DETAINED HAVE BEEN RELATIVELY LOW AND CONFINEMENT PERIOD HAS BEEN LIMITED. FOR EXAMPLE, ALL ARRESTEES IN FIRST TWO CATEGORIES HAVE BEEN RELEASED: SEVERAL IN LATTER HAVE ALSO BEEN FREED WITHOUT PUBLICITY. CHARGES HAVE APPEARED OF MISTREATMENT OF PRISONERS, SOME OF THESE CHARGES HAVING BEEN CONFIRMED BY STATE AUTHORITIES. HOWEVER, SUCH CHARGES ARE ASSOCIATED WITH CASES OF ARRESTED MRPP MILITANTS WHO ARE KNOWN TO HAVE COURTED MARTYRDOM BY PROVOKING JAILORS AND MILITARY AUTHORITIES. PRESS HAS VENTILATED ACCUSATIONS THOROUGHLY AND COME UP WITH CONCLUSION, IN WHICH WE CONCUR, THAT MISTREATMENT OF PRISONERS HAS BEE NEITHER POLICY NOR PRACTICE HERE. ESTABLISHMENT IN MID-APRIL OF OMBUDSMAN POSITION, WHILE UNTIL NOW IMPORTANT MORE AS SYMBOL OF OFFICIAL INTENT THAN AS FUNCTIONING GUARDIAN OF PUBLIC LIBERTIES, HOLDS PROMISE FOR FUTURE.

--REGIME'S RELUCTANCE TO INCREASE NUMBERS OF PERSONS INCARCERATED FOR "POLITICAL" REASONS DOES NOT OFFSET FACT THAT ALMOST ALL THOSE ARRESTED WHEN APRIL 1974 COUP DEPOSED CAETANO GOVERNMENT REMAIN IN JAIL, WITHOUT CHARGE, MORE THAN ONE YEAR LATER. JAILED AGENTS OF OLD REGIME'S SECRET POLICE HAVE BEEN ACCUSED IN PRESS OF WIDE VARIETY OF CRIMES. HOWEVER, TO DATE NO FORMAL CHARGES HAVE BEEN LEVIED AGAINST THESE PRISONERS AND NONE, CONSEQUENTLY, HAS BEEN ABLE TO PREPARE HIS LEGAL DEFENSE.

--PRESS: MODIFIED FORM OF PRESS CENSORSHIP IMPOSED UNDER FORMER PRESIDENT SPINOLA HAS ENDED. IN THIS SENSE PRESS IS FREER NOW THAN AT TIME OF REF B. ADDITIONAL PLUS IS FACT THAT PROVISIONS OF PRESS LAW GIVING INJURED PARTY RIGHT TO REPLY IN COLUMNS OF OFFENDING PUBLICATION ARE BEING OBSERVED, THUS PROVIDING LIMITED ASSURANCE CONTRARY VIEWS WILL BE HEARD. HOWEVER, NON-OFFICIAL CENSORSHIP "RULES" DESCRIBED REF D APPLY HERE. AS "REPUBLICA CASE" DEMONSTRATES, IT IS FROM THIS QUARTER THAT GREATEST THREAT TO PORTUGAL'S PRESS FREEDOM COMES. GOP HAS BEEN UNWILLING TO ENFORCE PRESS LAW IN FACE OF WORKER TAKEOVER.

B. PROPERTY RIGHTS: PERSONS HAVE LOST CONTROL OF THEIR PROPERTY IN THREE DIFFERENT WAYS:

(1) IN ACCORDANCE WITH GOP POLICY OF COLLECTIVIZING MEANS OF PRODUCTION, IT HAS NATIONALIZED SEVERAL BASIC SECTORS OF ECONOMY. MOST NATIONALIZATION DECREES INCLUDED PROVISION FOR DETERMING FORM AND AMOUNT OF COMPENSATION BUT IN MOST INSTANCES DETERMINATION NOT YET BEEN MADE. IN CASE OF COMMERICAL BANKING LIMITED OFFICIAL USE

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SYSTEM, DETERMINATION WAS TO BE MADE BY MID-JUNE. THESE DECISIONS, ALONG WITH THOSE ON MOST OTHER FIRMS, NOW POSTPONED TO DECEMBER 31, 195. IN ONLY CASE WHERE COMPENSATION HAS BEEN PAID (NATIONALIZED BANKS OF ISSUE), SHAREHOLDERS IN ONE BANK COMPLAINED OF ITS INADEQUACY.

(II) WELL OVER 200 FIRMS HAVE BEEN INTERVENED BY GOP AND HAVE HAD OWNER/MANAGERS REPLACED BY GOP ADMINISTRATORS. GOP HAS TAKEN THESE ACTIONS TO FORESTALL BANKRUPTCY, OR LIQUIDATION AND

TO PREVENT "ECONOMIC SABATOGUE." WHILE LAW PROVIDES THAT INTERVENED FIRMS MAY BE RETURNED TO OWNERS ONCE SITUATION HAS IMPROVED, NONE HAS BEEN YET. IN ADDITION, GOP HAS FROZEN OR SEIZED PERSONAL PROPERTY OR BANK ACCOUNTS OF MANAGERS OR CONTROLLING SHAREHOLDERS--AND THEIR FAMILIES--OF INTERVENED FIRMS.

(III) MANY FIRMS AND PERSONAL RESIDENCES HAVE BEEN FORCIBLY SEIZED OR OCCUPIED ILLEGALLY BY WORKERS OR OTHER PERSONS. MANY REMAIN UNDER OPERATIONAL CONTROL OF WORKERS COMMISSIONS, SOME OF WHICH HAVE BEEN RECOGNIZED AS LEGAL ORGANIZATIONS BY REVOLUTIONARY COUNCIL. THERE HAS BEEN NO DISCUSSION OF COMPENSATION FOR MOST. MANAGEMENT AND OWNERS HAVE BEEN DENIED ENTRY TO PREMISES. IN OTHER FIRMS, OWNERS HAVE BEEN LIMITED IN MANAGEMENT ACTIVITIES BY THREAT OF WORKER TAKEOVER WITH LITTLE PROSPECT OF GOP ASSISTANCE SHOULD TAKEOVER OCCUR. GOP HAS LEGALIZED SOME HOME OCCUPATIONS WHILE OTHERS HAVE BEEN IGNORED. END UNCLASSIFIED.

C. PROMOTION OF HUMAN RIGHTS: THE BEST HOPE FOR GREATER OBSERVANCE OF HUMAN RIGHTS IN PORTUGAL, AS IT MAKES THE TRANSITION FROM AN AUTHORITARIAN REGIME, IS THAT IT MOVE TOWARDS A DEMOCRATIC PLURALISTIC SOCIETY. THE OBJECTIVE OF US POLICY IS TO PROMOTE THAT OUTCOME. THROUGH DIPLOMATIC ACTION, A SMALL AID PROGRAM, AND IN COOPERATION WITH OTHER EUROPEAN COUNTRIES, THE US SEEKS TO ASSIST THOSE ELEMENTS WITHIN PORTUGAL WHO SUPPORT A FREE POLITICAL SYSTEM.

D. ADDITIONAL EFFECTIVE ACTIONS: NO ADDITIONAL ACTIONS ARE REQUIRED OR WOULD BE EFFECTIVE AT THIS TIME. HOWEVER, IF DEMOCRATIC ELEMENTS TAKE POLITICAL LEADERSHIP IN THIS TRANSITION PERIOD, THE US SHOULD BE PREPARED TO UP ITS ASSISTANCE PROGRAM SUBSTANTIALLY. THIS WOULD BE A CONCRETE SIGN OF OUR POLITICAL SUPPORT, ENCOURAGE OTHER EUROPEAN COUNTRIES TO DO THE SAME, AND WOULD HELP THE MODERATES RELIEVE THE SEVERE ECONOMIC PROBLEMS IN PORTUGAL.

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E. EFFECT OF SECURITY ASSISTANCE TERMINATION:

--TERMINATING OUR MODEST SECURITY ASSISTANCE PROGRAM AT THIS TIME WHEN THE DEMOCRATIC FORCES STILL HAVE A FIGHTING CHANCE WOULD BE A PROPAGANDA WINDFALL FOR THE TOTALITARIAN FORCES, DISCOURAGE OUR DEMOCRATIC FRIENDS, AND VERY LIKELY RESULT IN FEWER RATHER THAN MORE HUMAN RIGHTS.

--HOWEVER, SHOULD THE PRESENT REGIME DRIVE THE MODERATES ENTIRELY OUT OF CONTENTION, CUTTING OUR ASSISTANCE WOULD BE A USEFUL ACT IN MAKING CLEAR OUR, AND WE HOPE, THE REST OF EUROPE'S OPPOSITION TO THE IMPOSITION OF ANOTHER AUTHORITARIAN REGIME IN PORTUGAL. ITS IMMEDIATE EFFECT ON MAINTENANCE OF HUMAN RIGHTS WOULD BE SMALL, BUT IT MIGHT IN LONG RUN, AS ECONOMIC DIFFICULTIES MOUNT, HELP FORCE A RETURN TO A FORM OF GOVERNMENT ACCEPTABLE TO US AND THE EUROPEAN DEMOCRACIES.

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